

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 10, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB524 by Villalba (Relating to the punishment for certain offenses involving family violence; changing the eligibility for parole and mandatory supervision for those offenses.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB524, As Introduced: a negative impact of (\$279,307) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$0
2019	(\$279,307)
2020	(\$1,790,533)
2021	(\$4,301,763)
2022	(\$4,778,304)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
2018	\$0
2019	(\$279,307)
2020	(\$1,790,533)
2021	(\$4,301,763)
2022	(\$4,778,304)

Fiscal Analysis

The bill would amend various codes as they relate to the punishment for certain family violence assault offenses. The bill would enhance the punishment for certain assault family violence to include two years of confinement if the individual has been previously convicted two or more

times of certain offenses against family members, enhance certain assault offenses to a second degree felony, and modify parole and mandatory supervision eligibility for certain individuals. Under the provisions of the bill, those sentenced to incarceration or community supervision would be required to reimburse the State, county, or Community Supervision and Corrections Department for time spent incarcerated, depending on the location of the confinement.

Methodology

In fiscal year 2016, there were 146 individuals placed under misdemeanor community supervision for assaultive offenses whose punishment under the provisions of the bill would increase to a second degree felony based on the number of their prior convictions for certain offenses. Based on sentencing trends in the adult criminal justice system, it is assumed 51 percent or 75 of these individuals would be admitted into state correctional institutions, and 49 percent or 71 would be placed under felony community supervision. Data collected at the statewide level do not provide the detail necessarily to determine the relationship between victim and defendant for the offenses of Kidnapping, Aggravated Kidnapping, or Indecency with a Child, it is possible additional individuals would also qualify for enhancement though the impact these additional cases might have is indeterminate.

In fiscal year 2016, there were 191 individuals admitted for certain assaultive offenses who are currently eligible for parole upon completion of one-fourth of their sentence, including calendar year and good conduct time, or 15 years, whichever is less. Under the provisions of the bill, these individuals would not be eligible for parole consideration until they have completed one-half of their sentence, or 30 years, whichever is less, with a minimum term of confinement of two years. Under the provisions of the bill, these individuals would also be ineligible for mandatory supervision. Enhancing the punishment for certain offenses and increasing the time before certain individuals are eligible for parole is expected to increase demands upon state correctional institutions.

Costs are estimated based on the state costs per day for adults in Texas Department of Criminal Justice (TDCJ) correctional institutions (\$61.63), under community supervision (\$1.78), and their estimated length of stay. Since the bill takes effect September 1, 2017, and on average, it takes over a year between arrest and admission into a state correctional institutions for individuals with these offenses, there is no fiscal impact the first year. Costs are calculated both for the provisions enhancing certain offenses which are currently misdemeanors and increasing the time before certain individuals are eligible for parole. Costs are estimated at \$279,307 in fiscal year 2019, \$1.79 million in fiscal year 2020, and increase in subsequent fiscal years.

The bill's provision requiring that those sentenced to incarceration reimburse the state for time spent incarcerated would not be effectuated until the time of release, and therefore is not anticipated to be realized until after the 5-year window of this analysis. At such time as reimbursements are effected, there would be an offsetting revenue gain to the state.

The Office of Court Administration and Board of Pardons and Paroles do not anticipate any significant impact from the bill. The bill will take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

According to Texas Association of Counties, the fiscal impact cannot be determined.

The bill's provision requiring those sentenced to community supervision to reimburse the county

for time spent either in county jail confinement or in a community corrections facility would not be effectuated until the time of release, and at such time as reimbursements are effected, there would be an offsetting revenue gain to counties. The total amount of reimbursement can be modified by the court based on the defendant's ability to pay and the degree to which such reimbursements would be modified is indeterminate.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 696 Department of Criminal Justice, 697
Board of Pardons and Paroles

LBB Staff: UP, KJo, LM, JPo, AG, JGA, BM